UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,865	03/04/2002	Peter Enghauser	4001-1028	4300

466 7590 09/21/2005	EXAMINER
YOUNG & THOMPSON	KENNEDY, ADRIAN L

745 SOUTH 23RD STREET	ART UNIT	PAPER NUMBER
2ND FLOOR	2129	
ARLINGTON, VA 22202		

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/086,865	ENGHAUSER ET AL.
Office Action Summary	Examiner	Art Unit	
	Adrian L. Kennedy	2129	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _04 March 2002_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-8_ is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-8_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

1.   Claims 1-8 are pending in this application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 7, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky

et al. (U.S. Patent No. 4,901,221 referred to as **Kodosky**) in view of Oian et al. (U.S. Patent No.

5,353,233 referred to as **Oian**).

Claim 1),

Kodosky teaches a method for specifying, executing and analyzing method sequences,

characterized in that, in the specification phase, the method sequences are input in

graphical form (**Kodosky**, C 3, L 55-58) into a computer system (**Kodosky**, C 3, L 53) as

flowcharts (**Kodosky**, Fig. 22 and C 5, L 17-20) with attributes and function details

(**Kodosky**, Fig. 58 and C 6, L 38-39) which define the influence of individual variables

(**Kodosky**, C 3, L 61-68) on the method sequence, with codes being automatically

generated from the flowcharts (**Kodosky**, Fig. 22 and C 5, L 17-20) as an internal

representation which is converted by means of a compiler into a loadable, executable

module (**Kodosky**, C 3, L 58-61) which is called for each processing step (**Kodosky**, C 9,

L 67 - C 10, L 2) in the handling phase, in that, in the handling phase for recognition,

information for describing the particular current sequence and the current values of the

attributes (**Kodosky**, Fig. 58, C 6, L 38-39) is written to an attribute file (**Kodosky**, C 8,

L 38-41) for each processing step, and in that, in the later analysis phase, the individual

processing steps during the handling phase are reconstructed (**Kodosky**, C 4, L 6-10) by

displaying the course of processing (**Kodosky**, C 3, L 55-58) for each dispatch or each

form in the flowcharts (**Kodosky**, Fig. 22 and C 5, L 17-20) with the attributes together

with the associated images of the dispatch labels or form entries, with the attributes

showing the current values (**Kodosky**, C 8, L 56-64) from the attribute file (**Kodosky**, C

8, L 38-41).

Kodosky, as set forth above, discloses applicant's claimed invention with the exception

of specifying, executing and analyzing the recognition of dispatch labels and form

entries.

Oian teaches specifying, executing, analyzing the recognition of dispatch labels and form

entries (**Oian**, C 4, L 18-22) for the purpose of using graphical programming software for

image recognition (**Oian**, C 4, L 18-22). It would have been obvious to a person of

ordinary skill in the art at the time of the invention to use the teachings of Oian to modify

the invention of Kodosky for the purpose of using graphical programming software for

image recognition (**Oian**, C 4, L 18-22).

Claim 2),

Kodosky in view of Oian, as set forth above, discloses applicant's claimed invention,

characterized in that not only the attributes but also value ranges and comments are

entered (**Kodosky**, Fig. 58, C 6, L 38-39, C17, L 23-29).

Claim 3),

Kodosky in view of Oian, as set forth above, discloses applicant's claimed invention,

characterized in that not only the current values of the attributes but also references

relating to the associated names and comments (**Kodosky**, Fig. 58, C 6, L38-39) are

entered into the attribute file (**Kodosky**, C 8, L38-41).

Claim 4),

Kodosky in view of Oian, as set forth above, discloses applicant's claimed invention,

characterized in that not only the current values of the attributes (**Kodosky**, C 8, L 83-41)

but also a respective reference relating to the relevant elements (**Kodosky**, Fig. 19a, Fig.

19b, Fig. 58, C 5, L 9-10, C 6, L 38-39, C 14, L 5-14) in the flowchart (**Kodosky**, Fig 22.

C 5, L 17-20) is entered into the attribute file (**Kodosky**, C 8, L 38-41).

Claim 7),

Kodosky in view of Oian, as set forth above, discloses applicant's claimed invention,

characterized in that, during online analysis, sequences are tested by changing the values

of the variables and/or parameters of the functions online, which influences the sequence

(**Kodosky**, C 26, L 5-68).

Claim 8),

Kodosky in view of Oian, as set forth above, discloses applicant's claimed invention,

characterized in that not only the current values of the attributes but also a respective

reference relating to the relevant elements (**Kodosky**, Fig. 19a, Fig. 19b, Fig. 58, C 5, L

9-10, C 6, L 38-39, C 14, L 5-14) in the flowchart (**Kodosky**, Fig 22. C 5-1 17-20) is

entered into the attribute file (**Kodosky**, C 8, L 38-41).

Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky et

al. (U.S. Patent No. 4,901,221 referred to as **Kodosky**) in view of Oian et al. (U.S. Patent No.

5,353,233 referred to as **Oian**) and further in view of Kodosky et al. (U.S. Patent No. 5,475,851

referred to as **Kodosky 2**).

Claim 5),

Kodosky in view of Oian, as set forth above, discloses applicant's claimed invention with

the exception that, during analysis, the current method step is marked in the displayed

flowchart.

Kodosky 2 teaches that, during analysis, the current method step is marked in the

displayed flowchart (**Kodosky 2**, Fig 54a, C 8, L 54-55) for the purpose of tracing data

flow in a black diagram (**Kodosky 2**, C 40, L 51-58). It would have been obvious to a

person of ordinary skill in the art at the time of invention to use the teachings of Kodosky

2 to modify the invention of Kodosky for the purpose of tracing data flow in a block

diagram (**Kodosky 2**, C 40, L 51-58).

Claim 6),

Kodosky in view of Oian, as set forth above, discloses applicant's claimed invention with

the exception that, during analysis, the attributes and comments of the current, marked

method step are displayed

Kodosky 2 teaches that, during analysis, the attributes and comments of the current,

marked method step (**Kodosky 2**, Fig 54a, C 8, L 54-55) being displayed for the purpose

of tracing data flow in the block diagram (**Kodosky 2**, C 40, L 51-58). It would have

been obvious to a person of ordinary skill in the art at the time of invention to use the

teachings of Kodosky 2 to modify the invention of Kodosky for the purpose of tracing

data flow in a block diagram (**Kodosky 2**, C 40, L 51-58).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Kodosky et al. is cited for his graphical system for modeling a process. Kodosky et

al. is cited for his polymorphic dataflow block diagram system and method for programming a

computer. Kodosky is cited for his method and apparatus for providing autoprobe features in a

graphical data flow diagram. Kodosky is cited for his graphical method for programming a

virtual instrument. McKaskle et al. is cited for his method and apparatus for providing attribute

nodes in a graphical data flow environment. Malow et al. is cited for his method of distributing

packages or the like. Higgins et al. is cited for his method of improving cursive address

recognition in mail pieces using adaptive data base management. Rosenbaum et al. is cited for

his system and method for deferred processing of ocr scanned mail. Mampe et al. is cited for

his remote video scanning automated sorting system. Siedel is cited for his method and device for recognizing distribution data on postal packets. Itonori et al. is cited for his apparatus for generating programs from inputted flowchart images. Oakazaki is cited for his information retrieval apparatus and interface for retrieval of mapping information utilizing hand-drawn retrieval requests. Cobb et al. is cited for his technique for the conversion to digital form of interspersed symbolic and graphic data. Kossinakoff is cited for his method of automatically programming graphic information. Namba is cited for his character and image processing apparatus. Yamada is cited for his program generator.

Applicant or applicant's representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See* 37 CFR § 1.11(c).
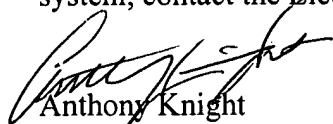
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Adrian L. Kennedy** whose telephone number is **(571) 272-8633**. The examiner can normally be reached on Monday - Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Anthony Knight** can be reached on **(571) 272-3687**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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